

United States District Court  
Western District of New York

---

United States of America,

*Plaintiff*

*vs*

MOTION TO EXTEND TIME  
TO FILE PRETRIAL MOTIONS

Joseph Bongiovanni

19-cr-227

*Defendant*

---

Upon the affirmation of James P. Harrington, Esq., attorney for Joseph Bongiovanni, a motion is made to the Hon. Michael Roemer, United States Magistrate Judge, for an extension of time for to file pretrial motions for two weeks from the currently scheduled date of December 28, 2020 to January 11, 2021, and a corresponding extension for the government's reply, a new oral argument date, and for the exclusion of time under Speedy Trial Act calculations.

Dated: December 23, 2020

/s/ James P. Harrington

James P. Harrington  
harrington A mahoney  
Attorneys for Defendant  
70 Niagara Street - Third Floor  
Buffalo, NY 14202-3407  
Tele: (716) 853-3700  
Facs: (716) 853-3710  
*jph@harringtonmahoney.com*

United States District Court  
Western District of New York

---

United States of America,

*Plaintiff*

AFFIRMATION

*vs*

19-cr-227

Joseph Bongiovanni

Defendant

---

James P. Harrington, affirms under penalty of perjury:

1. I am an attorney at law admitted to practice law in the United States District Court for the Western District of New York.
2. I am the attorney for Joseph Bongiovanni for the above indictment.
3. Mr. Bongiovanni needs additional time because there have been extenuating circumstances within my office recently.
4. There have been COVID-related delays in my office. First, the live-in girlfriend of an associate in my office, who is a critical-care nurse, caught the virus. The office was in a modified quarantine for two weeks while everyone was tested twice. No one in the firm contracted the virus but our work was interrupted. Also, both of Mr. Bongiovanni's elderly parents were hospitalized for two weeks and were only released late last week. He is the primary care-giver for both of them. This prevented him from coming in to review the discovery and assist in preparation of the motions. The defense received a significant series of discovery disclosures from the government in October which I still need to review with Mr. Bongiovanni.

5. Because of these circumstances, Mr. Tripi and I have agreed, subject to the Court's approval, for an extension of time to file pretrial motions for two weeks until January 11, 2021.

6. We are also requesting corresponding additional time for the government to respond and the fixing of a new oral argument date.

7. On behalf of Mr. Bongiovanni and with his consent, I agree that any time granted by the Court should be excluded from the calculation of the Speedy Trial time because it is necessary for his defense, the proper filing of pretrial motions, and in the interest of justice. Attached is an affidavit from Mr. Bongiovanni acknowledging and waiving his statutory and constitutional Speedy Trial rights with respect to this motion.

Dated: December 23, 2020

/s/ James P. Harrington

James P. Harrington  
harrington A mahoney  
Attorneys for Defendant  
70 Niagara Street - Third Floor  
Buffalo, NY 14202-3407  
Tele: (716) 853-3700  
Facs: (716) 853-3710  
*jph@harringtonmahoney.com*

United States District Court  
Western District of New York

---

United States of America,

AFFIRMATION

*Plaintiff*

*vs*

19-cr-227

Joseph Bongiovanni

*Defendant*

---

Joseph Bongiovanni affirms under penalty of perjury:

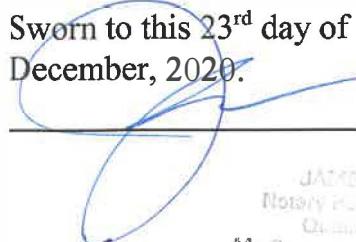
1. I am the defendant in the above indictment in the United States District Court for the Western District of New York.
2. I make this affidavit to personally consent to the exclusion of the additional time to file pretrial motions by my attorneys from the Speedy Trial Act time calculation.
3. I have read the affirmation of my attorney, James P. Harrington, Esq., which is attached to this motion and confirm its accuracy.
4. I have been advised of my Speedy Trial Rights and agree to the waiver of time in this motion because it is in my interests for the preparation of motions and in the interests of justice for the Court to grant the motion and exclude time if it approves.



---

Joseph Bongiovanni

Sworn to this 23<sup>rd</sup> day of December, 2020.



JAMES P. HARRINGTON  
Notary Public of the State of New York  
Qualified in Westchester County  
My Commission Expires Feb. 28, 2022